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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,267	07/06/2001	Anil Punjabi	2001P12193us	7592

7590 08/25/2004

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

HASHEM, LISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,267

Applicant(s)

PUNJABI, ANIL

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 9-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,678, 366 by Burger et al, hereinafter Burger.

Regarding claim 1, Burger discloses a telecommunications system (see Figure 1), comprising: a local area network (Figure 1, 154; column 4, lines 48-52); one or more telecommunications devices inherently coupled to said local area network; a switching unit (Figure 1, 100) coupled to said local area network, said switching unit adapted to associate a plurality of numbers with a user (column 1, lines 14-25; column 4, lines 33-37), record a time and associated number at which said user has been reached (column 4, line 65; column 5, lines 1-6; column 5, line 60 – column 6, line 16; column 6, line 46 – column 7, line 2; column 11, lines 16-18), and perform a closest neighbor comparison or ‘Best Guess Location’ of records of previous calls to determine where to connect a current call (column 8, line 40 – column 9, line 49).

Regarding claim 2, a telecommunications system in accordance with claim 1 mentioned above, wherein Burger further discloses said switching unit further adapted to

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switch calls to said user at particular locations at programmed times (column 6, lines 46-64).

Regarding claim 9, Burger discloses a method, comprising: maintaining a call history of calls to one or more numbers of a particular user (column 5, lines 1-6; column 6, line 46 – column 7, line 2); receiving a new call (column 8, lines 27-39); performing a closest neighbor comparison or ‘Best Guess Location’ on said call history to determine at which of said numbers to switch said new call (column 8, line 40 – column 9, line 49); connecting said new call (column 9, line 50-52); and updating said call history (column 11, lines 13-21).

Regarding claim 10, a method in accordance with claim 9 mentioned above, wherein Burger further discloses, further comprising first attempting to inherently switch a call to a user-programmed time associated call location (column 6, lines 46-64).

Regarding claim 11, a method in accordance with claim 10 mentioned above, wherein Burger further discloses comprising clearing said call history after a predetermined period has elapsed (column 9, lines 25-49).

Regarding claim 12, Burger discloses a method, comprising: providing a control processor or memory (Figure 1, 110) adapted to process incoming and outgoing calls, wherein users have one or more numbers associated with them (column 1, lines 14-25; column 4, lines 33-37); providing a record unit or database module (Figure 1, 118) adapted to store in a memory a call history associated with particular users (column 4, line 65; column 5, lines 1-6; column 5, line 60 – column 6, line 16; column 6, line 46 – column 7, line 2; column 11, lines 16-18); and providing a compare unit or telephone call manager module (Figure 1, 114) adapted to perform a closest neighbor comparison or

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'Best Guess Location' of said call history to determine at which of said one or more numbers to connect the call (column 8, line 40 – column 9, line 49).

Regarding claim 13, a method in accordance with claim 12, wherein Burger further discloses said control unit programmable to switch calls to said users at particular numbers at particular times (column 6, lines 46-64).

Regarding claim 14, a method in accordance with claim 13, wherein Burger further discloses said compare unit adapted to perform said closest neighbor comparison if a call is not connected to a programmed number at the programmed time (column 6, line 65 – column 7, line 56).

Regarding claim 15, a method in accordance with claim 14, wherein Burger further discloses said call history is updated after every call (column 11, lines 13-21; column 11, line 59 – column 12, line 11).

Regarding claim 16, a method in accordance with claim 14, wherein Burger further discloses said call history is cleared after a predetermined period (column 9, lines 25-49; column 11, lines 64-66; column 12, lines 10-11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,678, 366 by Burger as applied to claim 1 above, and further in view of U.S. Patent No. 6,622,016 by Sladek et al, hereinafter Sladek.

Regarding claim 3, a telecommunications system in accordance with claim 2 mentioned above, wherein Burger does not disclose said switching unit comprising an H.323 gatekeeper.

Sladek discloses a system for controlling the provisioning of special services including call forwarding, in which calls directed to the subscriber may be forwarded to another telephone line associated with the subscriber (column 1, lines 8-52; column 7, lines 15-35).

Sladek further discloses a gatekeeper to associate a plurality of numbers with a user and determine where to connect a current call (column 11, lines 23-47). Wherein said gatekeeper can be an H.323 gatekeeper (column 11, line 66 – column 12, line 20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Burger to include a switching unit as taught by Sladek to comprise an H.323 gatekeeper. One of ordinary skill in the art would have been lead to make such a modification in order to provide a system that utilizes a protocol such as H.323.

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5. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,678, 366 by Burger, in further view of U.S. Patent No. 6,622,016 by Sladek et al, hereinafter Sladek.

Burger discloses an enhanced service platform (Figure 1, 100), comprising: a control processor or memory (Figure 1, 110) adapted to process incoming and outgoing calls, wherein users have one or more numbers associated with them (column 1, lines 14-25; column 4, lines 33-37); a record unit or database module (Figure 1, 118) adapted to store in a memory a call history associated with particular users (column 4, line 65; column 5, lines 1-6; column 5, line 60 – column 6, line 16; column 6, line 46 – column 7, line 2; column 11, lines 16-18); and a compare unit or telephone call manager module (Figure 1, 114) adapted to perform a closest neighbor comparison or ‘Best Guess Location’ of said call history to determine at which of said one or more numbers to connect the call (column 8, line 40 – column 9, line 49).

Burger does not disclose a telecommunications gatekeeper.

Sladek discloses a system for controlling the provisioning of special services including call forwarding, in which calls directed to the subscriber may be forwarded to another telephone line associated with the subscriber (column 1, lines 8-52; column 7, lines 15-35).

Sladek further discloses a gatekeeper to associate a plurality of numbers with a user and determine where to connect a current call (column 11, lines 23-47). Wherein said gatekeeper can be an H.323 gatekeeper (column 11, line 66 – column 12, line 20).

It would have been obvious to one of the ordinary skill in the art at the time the

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invention was made to modify the system of Burger to include a switching unit as taught by Sladek to comprise an H.323 gatekeeper. One of ordinary skill in the art would have been lead to make such a modification in order to provide a system that utilizes a protocol such as H.323.

Regarding claim 5, a telecommunications gatekeeper in accordance with claim 4 mentioned above, wherein Burger further discloses said control unit programmable to switch calls to said users at particular numbers at particular times (column 6, lines 46-64).

Regarding claim 6, a telecommunications gatekeeper in accordance with claim 5 mentioned above, wherein Burger further discloses said compare unit adapted to perform said closest neighbor comparison if a call is not connected to a programmed number at the programmed time (column 6, line 65 – column 7, line 56).

Regarding claim 7, a telecommunications gatekeeper in accordance with claim 4, mentioned above, wherein Burger further discloses said call history is updated after every call (column 11, lines 13-21; column 11, line 59 – column 12, line 11).

Regarding claim 8, a telecommunications gatekeeper in accordance with claim 4, mentioned above, wherein Burger further discloses said call history is inherently cleared after a predetermined period (column 9, lines 25-49; column 11, lines 64-66; column 12, lines 10-11).

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Response to Arguments

6. Applicant's arguments, see pages 5-6 of the Amendment, filed June 14, 2004, with respect to the rejection(s) of claim(s) 1-16 under U.S. Patent No. 6,421,339 by Thomas have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

7. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,678, 366 by Burger for claims 1-2 and 9-16 and U.S. Patent No. 6,678, 366 by Burger in view of U.S. Patent No. 6,622,016 by Sladek for claims 3 and 4-8. Please see all rejections above.

8. Accordingly, **THIS ACTION IS MADE NON-FINAL.**

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Application Publication No. 2002/0116464 by Mak discloses an IP communications system wherein, a call may be re-directed to other telephone numbers according to a subscriber's preferences; Mak further discloses a gatekeeper server is capable of communicating with a system subscriber across a packet-switched network

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10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302.

The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general
nature or relating to the status of this application or proceeding should be directed to the
Group receptionist whose telephone number is (703) 305-3900.

LH

lh

August 21, 2004

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER